Case: 1:17-md-02804-DAP Doc #: 895-1 Filed: 08/21/18 1 of 3. PageID #: 20758 Case: 1:17-md-02804-DAP Doc #: 418 Filed: 05/14/18 1 of 21. PageID #: 5684 1 1 UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO 2 EASTERN DIVISION 3 4 IN RE: NATIONAL PRESCRIPTION : MDL No. 2804 5 OPIATE LITIGATION Case No. 1:17-md-2804 6 : Cleveland, Ohio APPLIES TO ALL CASES 7 Thursday, May 10, 2018 8 9 10 11 12 TRANSCRIPT OF STATUS CONFERENCE 13 HELD BEFORE THE HONORABLE DAN AARON POLSTER 14 UNITED STATES DISTRICT JUDGE 15 and 16 THE HONORABLE DAVID A. RUIZ 17 UNITED STATES MAGISTRATE JUDGE 18 19

20 Court Reporter:

Lance A. Boardman, RDR, CRR United States District Court 801 West Superior Avenue Court Reporters 7-189 Cleveland, Ohio 44113 216.357.7186

23

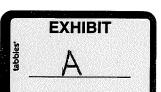
21

22

24

25

Proceedings recorded by mechanical stenography; transcript produced by computer-aided transcription.



09:14:24	1	concerning the various business models that exist in our
09:14:30	2	healthcare system in the United States and nonlitigation
09:14:35	3	issues that can be addressed in a cooperative way beyond
09:14:39	4	just litigation to address the opioid crisis.
09:14:45	5	And so we want the Court to know that the parties are
09:14:49	6	in a very cooperative way addressing all of the issues that
09:14:53	7	we have in the litigation, and we will also be focusing on
09:14:58	8	nonlitigation solutions to problems that we may be able to
09:15:03	9	facilitate here in the multidistrict litigation in
09:15:08	10	accordance with your desire that we look at this problem
09:15:11	11	holistically rather than just a litigation problem.
09:15:16	12	Thank you, Your Honor.
09:15:17	13	THE COURT: Thank you, Mr. McGovern.
09:15:21	14	Special Master Cohen.
09:15:27	15	MR. COHEN: Thank you, Judge.
09:15:34	16	Special Master McGovern of course went first to
09:15:37	17	discuss negotiations to resolve this dispute because that's
09:15:42	18	the more important goal. I'm here to chat just very briefly
09:15:45	19	and to give the Court and everyone in the room and on the
09:15:49	20	phone a quick overview of what we're calling the litigation
09:15:53	21	track.
09:15:54	22	We have a settlement track which we're pursuing with
09:15:56	23	vigor. We have a litigation track that I should make clear
09:16:00	24	your special masters believe is in aid of settlement and not
09:16:06	25	instead of settlement. The purpose and the point of

	Ouse	7
09:16:09	1	litigating the legal issues that the parties have identified
09:16:13	2	is to make it easier to come to a resolution, and we believe
09:16:18	3	that that's really the point of it and that that will
09:16:20	4	happen.
09:16:24	5	As the Court knows, the case management order, the
09:16:27	6	first case management order went on less than one month ago,
09:16:30	7	on April 11th. And the case management order created a
09:16:36	8	litigation track for sovereigns, which is both states and
09:16:42	9	Indian tribes, Native American Indian tribes, local
09:16:47	10	governmental entities, being counties and cities, hospitals,
09:16:50	11	and third-party payors.
09:16:53	12	Since then, there are other groups or entities that
09:16:57	13	have sought to also join the litigation, and those are
09:17:00	14	litigation issues the Court is going to have to address.
09:17:03	15	For example, there are class actions that have been filed,
09:17:10	16	purported class actions representing babies who suffer from

09:17:12

09:17:18

09:17:22

09:17:27

09:17:32

09:17:34

09:17:35

09:17:39

09:17:43

17

18

19

20

21

22

23

24

25

tities that hose are o address. been filed, senting babies who suffer from neonatal abstinence syndrome. That is a different group that the Court has not yet worked with.

There are class actions purportedly representing everyone who has ever paid private insurance. And again, that's something that the Court is going to have to get its hands around.

This is obviously one of the most, if not the most complex pieces of litigation that the federal system has seen. That's a consistent statement made by every attorney